



General Assembly

February Session, 2010

***Raised Bill No. 148***

LCO No. 788

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Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT CONCERNING THE TERM "EMERGENCY MANAGEMENT DIRECTOR" AND REDEFINING "MAJOR DISASTER" AND "EMERGENCY".***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-1 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 As used in this chapter:

4 (1) "Attack" means any attack or series of attacks by an enemy of the  
5 United States causing, or which may cause, substantial damage or  
6 injury to civilian property or persons in the United States in any  
7 manner by sabotage or by the use of bombs, shellfire or atomic,  
8 radiological, chemical, bacteriological or biological means or other  
9 weapons or processes.

10 (2) "Major disaster" means any catastrophe including, but not  
11 limited to, any hurricane, tornado, storm, high water, wind-driven  
12 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,  
13 mudslide, snowstorm or drought, or, regardless of cause, any fire,  
14 flood, explosion, or manmade disaster in any part of this state that, (A)

15 in the determination of the President, causes damage of sufficient  
 16 severity and magnitude to warrant major disaster assistance under the  
 17 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42  
 18 USC 5121 et seq., as amended from time to time, to supplement the  
 19 efforts and available resources of this state, local governments thereof,  
 20 and disaster relief organizations in alleviating the damage, loss,  
 21 hardship, or suffering caused thereby, or (B) in the determination of  
 22 the Governor, requires the declaration of a civil preparedness  
 23 emergency pursuant to section 28-9.

24 (3) "Emergency" means any occasion or instance for which, in the  
 25 determination of the Governor or the President, state or federal  
 26 assistance is needed to supplement state [and] or local efforts and  
 27 capabilities to save lives and protect property, public health and safety  
 28 or to avert or lessen the threat of a disaster or catastrophe in any part  
 29 of this state.

30 (4) "Civil preparedness" means all those activities and measures  
 31 designed or undertaken (A) to minimize or control the effects upon the  
 32 civilian population of major disaster or emergency, (B) to minimize the  
 33 effects upon the civilian population caused or which would be caused  
 34 by an attack upon the United States, (C) to deal with the immediate  
 35 emergency conditions which would be created by any such attack,  
 36 major disaster or emergency, and (D) to effectuate emergency repairs  
 37 to, or the emergency restoration of, vital utilities and facilities  
 38 destroyed or damaged by any such attack, major disaster or  
 39 emergency. Such term shall include, but shall not be limited to, (i)  
 40 measures to be taken in preparation for anticipated attack, major  
 41 disaster or emergency, including the establishment of appropriate  
 42 organizations, operational plans and supporting agreements; the  
 43 recruitment and training of personnel; the conduct of research; the  
 44 procurement and stockpiling of necessary materials and supplies; the  
 45 provision of suitable warning systems; the construction and  
 46 preparation of shelters, shelter areas and control centers; and, when  
 47 appropriate, the nonmilitary evacuation of the civilian population, pets

48 and service animals; (ii) measures to be taken during attack, major  
49 disaster or emergency, including the enforcement of passive defense  
50 regulations prescribed by duly established military or civil authorities;  
51 the evacuation of personnel to shelter areas; the control of traffic and  
52 panic; and the control and use of lighting and civil communication;  
53 and (iii) measures to be taken following attack, major disaster or  
54 emergency, including activities for fire fighting; rescue, emergency  
55 medical, health and sanitation services; monitoring for specific hazards  
56 of special weapons; unexploded bomb reconnaissance; essential debris  
57 clearance; emergency welfare measures; and immediately essential  
58 emergency repair or restoration of damaged vital facilities.

59 (5) "Civil preparedness forces" means any organized personnel  
60 engaged in carrying out civil preparedness functions in accordance  
61 with the provisions of this chapter or any regulation or order adopted  
62 pursuant to this chapter. All the police and fire forces of the state or  
63 any political subdivision of the state, or any part of any political  
64 subdivision, including all the auxiliaries of these forces and emergency  
65 medical service personnel licensed or certified pursuant to section 19a-  
66 179, shall be construed to be a part of the civil preparedness forces. The  
67 Connecticut Disaster Medical Assistance Team and the Medical  
68 Reserve Corps, under the auspices of the Department of Public Health,  
69 the Connecticut Urban Search and Rescue Team, under the auspices of  
70 the Department of Emergency Management and Homeland Security,  
71 and the Connecticut behavioral health regional crisis response teams,  
72 under the auspices of the Department of Mental Health and Addiction  
73 Services and the Department of Children and Families, and their  
74 members, shall be construed to be a part of the civil preparedness  
75 forces while engaging in authorized civil preparedness duty or while  
76 assisting or engaging in authorized training for the purpose of  
77 eligibility for immunity from liability as provided in section 28-13 and  
78 for death, disability and injury benefits as provided in section 28-14.  
79 Any member of the civil preparedness forces who is called upon either  
80 by civil preparedness personnel or state or municipal police personnel  
81 to assist in any emergency shall be deemed to be engaging in civil

82 preparedness duty while assisting in such emergency or while  
83 engaging in training under the auspices of the Department of  
84 Emergency Management and Homeland Security, the Department of  
85 Public Safety, the Division of State Police within the Department of  
86 Public Safety or a municipal police department, for the purpose of  
87 eligibility for death, disability and injury benefits as provided in  
88 section 28-14.

89 (6) "Mobile support unit" means an organization of civil  
90 preparedness forces created in accordance with the provisions of this  
91 chapter to be dispatched by the Governor or Commissioner of  
92 Emergency Management and Homeland Security to supplement civil  
93 preparedness forces in a stricken or threatened area.

94 (7) "Civil preparedness emergency" or "disaster emergency" means  
95 an emergency declared by the Governor under the provisions of this  
96 chapter in the event of serious disaster or of enemy attack, sabotage or  
97 other hostile action within the state or a neighboring state, or in the  
98 event of the imminence thereof.

99 (8) "Local civil preparedness emergency" or "disaster emergency"  
100 means an emergency declared by the chief executive officer of any  
101 town or city in the event of serious disaster affecting such town or city.

102 (9) "Governor" means the Governor or anyone legally administering  
103 the office of Governor.

104 (10) "Commissioner" means the Commissioner of Emergency  
105 Management and Homeland Security.

106 (11) "Department" means the Department of Emergency  
107 Management and Homeland Security.

108 (12) "Political subdivision" means any city, town, municipality,  
109 borough or other unit of local government.

110 Sec. 2. Section 28-7 of the general statutes is repealed and the

111 following is substituted in lieu thereof (*Effective October 1, 2010*):

112 (a) Each town or city of the state shall establish a local organization  
113 for civil preparedness in accordance with the state civil preparedness  
114 plan and program, provided any two or more towns or cities may,  
115 with the approval of the commissioner, establish a joint organization  
116 for civil preparedness. The authority of such local or joint organization  
117 for civil preparedness shall not supersede that of any regularly  
118 organized police or fire department. In order to be eligible for any state  
119 or federal benefits under this chapter, not later than January 1, 2008,  
120 and annually thereafter, each town or city of the state shall have a  
121 current emergency plan of operations that has been approved by the  
122 commissioner. The plan shall be submitted to the commissioner after it  
123 has been approved by the local emergency management director [of  
124 civil preparedness] and the local chief executive. Such plan may be  
125 submitted with a notice stating that the plan remains unchanged from  
126 the previous year's version. The emergency plan of operations of every  
127 town or city situated on the shoreline of the state shall contain  
128 provisions addressing an emergency caused by any existing liquefied  
129 natural gas terminal located on the Long Island Sound and every town  
130 or city situated on the shoreline of the state shall submit such plan to  
131 the joint standing committee of the General Assembly having  
132 cognizance of matters relating to public safety, in accordance with the  
133 provisions of section 11-4a, and the commissioner to obtain approval.  
134 The committee shall hold a public hearing regarding such plan not  
135 later than thirty days after receiving the plan. Not later than five days  
136 after the hearing, the committee shall (1) hold a roll-call vote to  
137 approve or reject the plan, and (2) forward the plan and a record of the  
138 committee's vote to the General Assembly. Such emergency plan of  
139 operations shall not be approved by the commissioner unless the  
140 commissioner determines that the plan proposes strategies that  
141 address all the activities and measures of civil preparedness identified  
142 in subdivision (4) of section 28-1, as amended by this act. Each town or  
143 city of the state shall consider whether to provide for the nonmilitary  
144 evacuation of livestock and horses in such plan.

145 (b) Each local organization for civil preparedness shall consist of an  
146 advisory council and [a] an emergency management director  
147 appointed by the chief executive officer. The advisory council shall  
148 contain representatives of city or town agencies concerned with civil  
149 preparedness and representatives of interests, including business,  
150 labor, agriculture, veterans, women's groups and others, which are  
151 important to the civil preparedness program in the particular  
152 community. The emergency management director shall be responsible  
153 for the organization, administration and operation of such local  
154 organization, subject to the direction and control of the commissioner.  
155 The chief executive officer may remove any local emergency  
156 management director for cause.

157 (c) Each local or joint organization shall perform such civil  
158 preparedness functions in the territorial limits within which it is  
159 organized as the commissioner prescribes. In addition, such local or  
160 joint organization shall conduct such functions outside such territorial  
161 limits as are prescribed by the state civil preparedness plan and  
162 program or by the terms of any mutual aid agreements to which the  
163 town is a party.

164 (d) The emergency management director of each local or joint  
165 organization may, with the approval of the commissioner, collaborate  
166 with other public and private agencies within the state and develop or  
167 cause to be developed mutual aid agreements for civil preparedness  
168 aid and assistance in case of disaster too great to be dealt with  
169 unassisted. The emergency management director of such joint or local  
170 organization may, with the approval of the commissioner, enter into  
171 such mutual aid agreements with civil preparedness agencies or  
172 organizations in other states. Such agreements shall be consistent with  
173 the state civil preparedness plan and program and, in time of  
174 emergency, each local or joint organization shall render assistance in  
175 accordance with the provisions of such agreements to which it is a  
176 party unless otherwise ordered by the commissioner.

177 (e) Each town or city shall have the power to make appropriations  
178 for the payment of salaries and expenses of its local or joint  
179 organization or any other civil preparedness agencies or  
180 instrumentalities.

181 (f) In the event of a serious disaster or of a sudden emergency, when  
182 such action is deemed necessary for the protection of the health and  
183 safety of the people, and upon request of the local chief executive  
184 authority, the Governor or the commissioner, without regard to the  
185 provisions of section 22a-148, may authorize the temporary use of such  
186 civil preparedness forces, including civil preparedness auxiliary police  
187 and firemen, as [he] the Governor deems necessary. Personnel of such  
188 civil preparedness forces shall be so employed only with their consent.  
189 The provisions of section 28-14 shall apply to personnel so employed.

190 (g) The state shall reimburse any town or city rendering aid under  
191 this section for the compensation paid and actual and necessary travel,  
192 subsistence and maintenance expenses of employees of such town or  
193 city while rendering such aid, and for all payments for death, disability  
194 or injury of such employees in the course of rendering such aid and for  
195 all losses of or damage to supplies or equipment of such town or city  
196 incurred in the course of rendering such aid.

197 (h) Whenever, in the judgment of a local [civil preparedness]  
198 emergency management director, with prior approval of the  
199 commissioner, it is deemed essential to authorize the temporary  
200 assignment, with their consent, of any members of civil preparedness  
201 forces who are not paid employees of the state or any political  
202 subdivision thereof, for a temporary civil preparedness mission, the  
203 provisions of section 28-14 shall apply. A complete written record of  
204 the conditions and dates of such assignment shall be maintained by the  
205 local director concerned and such record shall be available for  
206 examination by the commissioner and the Attorney General. The  
207 commissioner shall establish the necessary procedures to administer  
208 this section.

209 Sec. 3. Section 12-81w of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective October 1, 2010*):

211 The legislative body of any municipality may establish, by  
212 ordinance, a program to provide property tax relief for the nonsalaried  
213 local emergency management director [of civil preparedness] and for  
214 individuals who volunteer their services as a firefighter, emergency  
215 medical technician, paramedic, civil preparedness staff, an active  
216 member of a volunteer canine search and rescue team, as defined in  
217 section 5-249, or ambulance driver in the municipality. Such tax relief  
218 may provide either (1) an abatement of up to one thousand dollars in  
219 property taxes due for any fiscal year, or (2) an exemption applicable  
220 to the assessed value of real or personal property up to an amount  
221 equal to the quotient of one million dollars divided by the mill rate, in  
222 effect at the time of assessment, expressed as a whole number of  
223 dollars per one thousand dollars of assessed value. Any ordinance may  
224 authorize interlocal agreements for the purpose of providing property  
225 tax relief to such volunteers who live in one municipality but volunteer  
226 their services in another municipality.

227 Sec. 4. Section 28-9d of the general statutes is repealed and the  
228 following is substituted in lieu thereof (*Effective October 1, 2010*):

229 (a) Whenever the President, at the request of the Governor, has  
230 declared a major disaster to exist in this state, the Governor is  
231 authorized: (1) Upon the Governor's determination that financial  
232 assistance is essential to meet disaster-related necessary expenses or  
233 serious needs of individuals or families adversely affected by such  
234 disaster that cannot be otherwise adequately met from other means of  
235 assistance, to accept a grant by the federal government to fund such  
236 financial assistance, subject to such terms and conditions as may be  
237 imposed upon the grant; (2) to enter into an agreement with the federal  
238 government, or any officer or agency thereof, pledging the state to  
239 participate in the funding of the financial assistance authorized in  
240 subdivision (1) of this subsection, in an amount not to exceed twenty-

241 five per cent thereof and, if state funds are not otherwise available to  
242 the Governor, to accept an advance of the state share from the federal  
243 government to be repaid when the state is able to do so.

244 (b) Notwithstanding any other provision of law or regulation, the  
245 Governor is authorized to make financial grants to meet disaster-  
246 related necessary expenses or serious needs of individuals or families  
247 adversely affected by a major disaster [which] that cannot otherwise  
248 adequately be met from other means of assistance, which shall not  
249 exceed in the aggregate the maximum payment established by the  
250 Federal Emergency Management Agency, to an individual or family in  
251 any single disaster declared by the President.

252 (c) The Governor shall make such regulations as are necessary for  
253 carrying out the purposes of this section, including, but not limited to,  
254 standards of eligibility for persons applying for benefits; procedures  
255 for application and administration; methods of investigation, filing  
256 and approving applications; and formation of local or state-wide  
257 boards to pass upon applications and procedures for appeals.

258 (d) Any person who fraudulently or wilfully makes a misstatement  
259 of fact in connection with an application for financial assistance under  
260 this section shall, upon conviction of each offense, be subject to a fine  
261 of not more than five thousand dollars, or imprisonment for not more  
262 than one year, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	28-1
Sec. 2	<i>October 1, 2010</i>	28-7
Sec. 3	<i>October 1, 2010</i>	12-81w
Sec. 4	<i>October 1, 2010</i>	28-9d

**Statement of Purpose:**

To redefine "major disaster" to include catastrophes for which the Governor has declared a civil preparedness emergency, to redefine

"emergency" to include state-declared emergencies, to add the term "emergency" to the definition of "civil preparedness" and to substitute the term "local emergency management director" for the term "local civil preparedness director".

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*